

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 7/9/2013	(3) CONTACT/PHONE Brian Pedrotti, Planner III / 805-788-2788	
(4) SUBJECT Consideration of a request to authorize a General Plan Amendment to: 1) amend the San Luis Obispo Area Plan by changing the land use category on an approximately 21.5 acre site located immediately southeast of the City of San Luis Obispo Urban Reserve Line, at the eastern terminus of Tiburon Way from Agriculture to Residential Rural; and 2) change the Agriculture Element land use designation from Agriculture to Small Lot Rural for the purpose of subdivision of the property into two parcels. District 3			
(5) RECOMMENDED ACTION Review the attached proposal (LRP2010-00006 – Paul Vanderheyden) and determine whether your Board wishes to authorize processing.			
(6) FUNDING SOURCE(S) Application Fee	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation { } Hearing (Time Est. ____) {X} Board Business (Time Est. <u>30 min</u>)			
(11) EXECUTED DOCUMENTS { } Resolutions { } Contracts { } Ordinances {X} N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5th's Vote Required {X} N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY {X} N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) District 3			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Brian Pedrotti, Planner III

VIA: Nancy Orton, Planning Division Manager

DATE: 7/9/2013

SUBJECT: Consideration of a request to authorize a General Plan Amendment to: 1) amend the San Luis Obispo Area Plan by changing the land use category on an approximately 21.5 acre site located immediately southeast of the City of San Luis Obispo Urban Reserve Line, at the eastern terminus of Tiburon Way from Agriculture to Residential Rural; and 2) change the Agriculture Element land use designation from Agriculture to Small Lot Rural for the purpose of subdivision of the property into two parcels. District 3

RECOMMENDATION

Review the attached proposal (LRP2010-00006 – Paul Vanderheyden) and determine whether your Board wishes to authorize processing.

DISCUSSION

Proposal

The project site is an approximately 21.5 acre parcel currently within the Agriculture land use category just east of the City of San Luis Obispo Urban Reserve Line (see attached Exhibit A). The property owner, Paul Vanderheyden, is requesting to change the land use category of the site from Agriculture to Residential Rural in order to subdivide the property into two residential parcels for the development of two primary single family residences and two secondary residences.

The amendment request was originally submitted in January 2011 at a time when Planning staff was processing the Land Use and Circulation Element Update (LUCE), and was to be included in this process. Since the portion of the LUCE update dealing with substantive land use changes has been delayed, the applicant opted to pursue the amendment request independent of the LUCE.

The applicant intends to subdivide the property into two parcels. Currently, the 21.5 acre Agriculture site allows two primary residences and two guest houses. If rezoned to Residential Rural, the San Luis Obispo Area Plan standards would limit minimum parcel size to 10 acres (Section 22.108.040.D). Therefore, the proposed amendment would allow the owner to submit an application to subdivide the property into two parcels, which would allow two primary residences and two secondary residences.

Background

The project site is Parcel A of Lot Line Adjustment COAL 00-0048 (originally part of Tract 681). The parcel is served by the Afuera de Chorro Mutual Water Company, which restricts development and use of the property to two primary residences, two secondary residences, and prohibits agricultural use on the property.

Project Data

Planning Area: San Luis Obispo Area Plan

Community: Adjacent to City of San Luis Obispo

Assessor Parcel Number: 076-531-009

Area: 21.5 acres

Topography: Gently to moderately sloping

Vegetation: Grasses, scattered oak trees

Water Supply: Community system (Afuera de Chorro Mutual)

Sewage Disposal: On-site septic systems

Existing Use and Improvements: One single-family residence, garage/workshop

Surrounding Land Uses (Land Use Categories)

North: Single-family residences (Residential Rural and Rural Lands)

South: Single-family residences (Residential Suburban)

East: Vacant (Agriculture)

West: Residences (Residential Single-Family within City of San Luis Obispo, Residential Suburban)

General Plan / Ordinance Information

Land Use Element Category: Agriculture

Combining Designation: Airport Review Area, Sensitive Resource Area

Planning Area Standards: Residential Rural, San Luis Obispo Area

Agriculture Element Designation: Agriculture

Authority

Unlike the processing of land use permits, the first step when considering requested changes to the general plan or ordinances is for your Board to determine whether to initiate new legislation to change the rules. If you authorize this request for processing, the item will be scheduled for public hearings before the Planning Commission and your Board after the environmental review process and staff report is completed.

The Land Use Element sets forth the authority by which the General Plan can be amended. The following factors should be considered by the Board in making their decision, pursuant to the Land Use Element:

- a. **Necessity.** Relationship to other existing LUE policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.
- d. **Cumulative effects of the request.** Individual property owner requests for changes are evaluated in view of existing buildout, current population and resource capacity conditions, and other important information developed as part of the update process.

Major Issues

The proposed General Plan amendment raises the following major issues:

1. Is the request consistent with applicable Land Use Element plan policies relating to the purpose and character statements for the requested Residential Rural land use category and the policies of the Agriculture Element for conversion of Agricultural land?
2. Would this be an appropriate conversion of agricultural land? Will allowing residential uses in this area create land use conflicts with area agricultural uses and facilitate additional agricultural conversion in the immediate vicinity?
3. Is there a need to designate more land in the Residential Rural category in this area?

General Plan Considerations

Guidelines for Land Use Category Amendments

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit C. These criteria include consistency with existing goals and policies in the general plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, whether the site is suitable for on-site sewage disposal and has an adequate groundwater supply, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Purpose and Character Statements

The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element of the general plan, are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site (See Exhibit D). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

The purpose statements for the Residential Rural land use category include: To provide for residential development at a low density compatible with a rural character and life-style which maintains the character of the open countryside and is compatible with surrounding agricultural uses; to allow limited, compatible non-residential uses commensurate with rural parcel sizes; to emphasize residential uses in areas where agriculture is clearly a secondary use, or where agriculture is not feasible yet large open space areas are maintained as part of a residential life-style; and to encourage agricultural and other open space uses as part-time or incidental "hobby" activities, such as horse raising or specialty farming.

The character of Residential Rural land is described as being: Areas of existing small-acreage parcels no more than three miles from urban reserve lines that are not commercially viable for agriculture, where the average parcel size within any contiguous area is below 19 acres; areas that are outside of urban and village areas and connected to them by county-maintained roads, although exceptions may be observed for existing older subdivided areas; areas with slopes generally less than 30 percent; areas with marginal agricultural soils; areas with a rural landscape high in visual quality (for example, woodlands, hills, rock formations, existing agriculture and ag accessory buildings) where clustering of allowed densities to less sensitive portions of a site is encouraged to be required through planning area standards; areas generally free of fragile natural resources; areas where growth will not be premature with respect to utility and public service capacities, or in conflict with agricultural, commercial, or industrial uses. Light agricultural uses are to be encouraged; areas where horses and other similar farm animals are allowed accessory to residential uses; and areas where public services demands are limited, septic tanks and individual wells can suffice for required water and sewer capability.

Staff Response: The site generally meets the purpose and character statements relating to providing for low density development compatible with the rural character, particularly where agricultural is a secondary use or is not feasible. Based on water availability limitations and a corresponding deed restriction on agricultural uses, the site is suited to low density rural residential development and not commercially viable for agriculture. The site could be used for light agricultural uses and incidental "hobby" activities. Although the proposal is not expanding an existing Residential Rural land use category, the project site is located directly south of an existing RR area and is separated from this land use category by only one single-family residential lot within the City of San Luis Obispo.

Combining Designations

Airport Review Area. The project site is within the Airport Review Area for the San Luis Obispo County Airport. According to the Airport Land Use Plan (ALUP), the site has a designation of Aviation Safety Area S-2, which limits residential density to six dwelling units per acre and a maximum building coverage of 20 percent of the gross land area. The development allowance on the subject site is far below these restrictions and therefore appears to be consistent with the ALUP.

Sensitive Resource Area. The northwest corner of the project site is within a Sensitive Resource Area (SRA) Combining Designation. The SRA designation line extends along the 600-foot elevation line, and is intended to protect hillside visual resources. Siting and design of future structures could avoid this portion of the site altogether, or would need to be constructed in accordance with the requirements of the SRA.

General Goals of the Land Use Element

Applicable general goals of the Land Use Element include:

Air Quality

- Determine, and mitigate where feasible, the potential adverse air quality impacts of new development.
- Minimize the generation of air pollutants from projected growth by implementing land use policies and programs that promote and encourage the use of transportation alternatives to the single-passenger vehicle and minimize travel distance and trip generation.

Population Growth

- Provide for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizens' financial ability to provide them.

Distribution of Land Uses

- Encourage an urban environment that is an orderly arrangement of buildings, structures and open space appropriate to the size and scale of development for each community.
- Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities.
- Identify important agricultural, natural and other rural areas between cities and communities and work with landowners to maintain their rural character.
- Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities.
- Encourage the phasing of urban development in a compact manner, first using vacant or underutilized "infill" parcels and lands next to existing development.

Residential Land Uses

- Locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses.

Staff Response: Changing the site from Agriculture to Residential Rural may conflict with some of the general goals of the general plan, including the general goals regarding "Distribution of Land Uses and Residential Land Uses". These goals promote the protection of agricultural land while identifying a need to maintain a distinction between urban and rural development. The proposed amendment may conflict with these goals in that it requests the conversion of agricultural land to non-agricultural use. However, the agricultural potential of the site is limited by water availability.

Agriculture Element Policies

The Agriculture Department reviewed the proposed project for consistency with the agricultural policies in the Agriculture Element and potential impacts to agricultural resources. The Agriculture Department reviewed and commented on the project's consistency with AGP 11, AGP 17, and AGP 24 as follows:

AGP11: Agricultural Water Supplies – Although water availability is limited due to legal restrictions on the use of water, the Ag Department was concerned about the impact of non-agricultural water use on agricultural users within the watershed and/or groundwater basin. This entire drainage area, which ultimately becomes Davenport Creek, is considered a limited water resource area but continues to include hundreds of acres of productive agricultural lands. To the degree continued upstream development decreases recharge throughout the basin, development has the potential to adversely impact downstream agricultural resources.

AGP17: Agricultural Buffers – No agricultural buffers were recommended since the surrounding parcels are of a size that would not support production agriculture.

AGP24: Conversion of Agricultural Lands – This policy is intended to protect agricultural resources and discourage the conversion of agricultural lands to non-agricultural uses. The policy specifically states to "Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines."

Several criteria have been developed to establish consistency with this goal as discussed below.

- Do not expand existing urban...areas until such areas are largely built-out, or until such time as additional land is needed to accommodate necessary uses or services that cannot be accommodated within the existing urban area.

Response: Should the proposed residential designation be located within the city's urban area? Will the proposed conversion increase the pressure to convert adjacent agricultural land to a rural residential land use pattern or other nonagricultural uses?

- The land does not meet the criteria for inclusion in the Agriculture land use category as agriculture production is not feasible due to some physical constraint (such as soil infertility, lack of water resource, disease), or surrounding incompatible land uses.

Response: The proposal would result in the conversion of a 21.5-acre site consisting of capable soils restricted to residential uses. These soils can support a limited "hobby" livestock operation within the existing parcel size. Agricultural uses on small parcels have become an increasingly common occurrence and county policy (AGP4) supports agricultural uses on smaller agricultural parcels.

- Conversion to non-agricultural uses shall not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture.

Response: The potential for offsite incompatibilities associated with the proposal is not anticipated because of the limited agricultural potential of surrounding agricultural land. However, the proposal does raise the question of will this land use change set a precedent for further land use conversion from agriculture in the area that may have an adverse impact?

Agriculture Element Designation

The applicant has requested a General Plan Amendment to re-designate the land use designation in the Agriculture Element. The current designation is Agriculture, which corresponds to a LUE land use category of Agriculture. The applicant has requested to change the designation to Small-Lot Rural, which applies within rural areas, outside of urban and village reserve lines. This designation would also maintain consistency with the applicant's request to change the land use category on the site from Agriculture to Residential Rural.

Conservation and Open Space Element Policies

The following Conservation and Open Space Element (COSE) Policies are applicable to the proposed amendment:

Policy OS 4.1 Define urban areas to prevent sprawl

Prevent urban sprawl by maintaining a well-defined boundary between urban/village boundaries and surrounding rural areas.

Policy OS 4.2 Maintain community separators

Maintain permanent separations between communities in order to retain the rural character of the county.

Policy OS 4.3 Conversion of rural areas to Urban Lands

Limit the conversion of unincorporated rural areas to Urban Lands in accordance with the considerations for urban and village expansion in Framework for Planning of the Land Use Element.

Policy OS 4.5 Maintain large parcels

Within urban and village reserve lines, maintain large parcels, preferably at least 10 acres in size, until such time as full urban services can be provided.

Policy OS 4.6 Conversion to small-lot rural parcels

To maintain a well-defined urban boundary, avoid the creation or expansion of Small-Lot Rural designations (Residential Rural/Suburban LUE land use categories) in rural areas.

Staff Response: The COSE policies regarding rural development generally discourage conversion of rural areas to urban land, specifically identifying new Residential Rural areas as a land use category to be avoided. The intention of these policies is to maintain separations between communities and prevent urban sprawl. In the subject case, future development on the site will be essentially the same with the amendment to Residential Rural, as a 10-acre minimum lot size will be maintained and water use restrictions exist for the property.

Authorization Options

Your Board should consider the following options as part of your discussions when considering whether to authorize this project for processing:

1. Authorize the application as requested for processing to change the land use category on the 21.5-acre site to Residential Rural from Agriculture and change the Agriculture Element designation from Agriculture to Small Lot Rural.
2. Authorize the application for processing to change the land use category as proposed with restrictions on secondary residences based on limited water availability.
3. Do not authorize the processing of this application based on the conversion of agricultural land and increased development potential on property with limited water resources.

OTHER AGENCY INVOLVEMENT/IMPACT

If the project is authorized for processing, the application will be referred to all applicable agencies and community advisory bodies. The application was sent as a tentative referral (notification that the application was requested, but has not yet been authorized for processing) to the Agricultural Commissioner, County Public Works, CalFire, Caltrans, Air Pollution Control District (APCD), and the City of San Luis Obispo.

The Agricultural Commissioner's Office does not oppose the authorization, but indicated that approval of the conversion of Agriculture-designated land should meet a series of findings outlined in the County Agriculture Element policy 24. Preliminary evaluation identified feasibility issues with agricultural production on the project site, as well as concerns about conversion of the site to Residential Rural is supportable based upon county policy.

FINANCIAL CONSIDERATIONS

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement, which will allow for the recovery of the actual cost of processing.

RESULTS

Authorization of the Land Use Element Amendment application will allow continued processing and a final decision to occur. Not authorizing the application will stop the further processing of the Land Use Element Amendment.

ATTACHMENTS

- Exhibit A – Vicinity Map
- Exhibit B – Land Use Category Map
- Exhibit C – Guidelines for Land Use Category Amendments
- Exhibit D – Purpose and Character Statements for Residential Rural
- Exhibit E – Applicant's letter
- Exhibit F – Referral Responses